



**STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES**

Public Hearing Testimony

Judiciary Committee

February 24, 2016



**S.B. No. 143 - AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH PROBATE COURT
ORDERS.**

The Department of Children and Families (DCF) would like to express concern regarding S.B. No. 143, An Act Concerning State Agency Compliance with Probate Court Orders. This bill requires state agencies to follow any order, denial or decree of a Probate Court that is applicable to a determination made by a state agency.

DCF believes that Section 1 of this bill is unnecessary and interferes with due process of law. Existing statutes confer authority on the Probate Court to enter and enforce orders against state agencies, including DCF, when the legislature has deemed that appropriate. Likewise, existing law requires state agencies to either comply with a Probate Court order or appeal an adverse decision to the Superior Court. The bill appears to be a blanket statement requiring state agencies to comply with Probate Court orders regardless of whether the state agency is a party to the case. This gives Probate Court judges unprecedented and ill-defined power that is not available even to Superior Court Judges. In addition, the bill is confusing in that it uses definitions from the Uniform Administrative Procedures Act, which apply only to administrative appeals from state agency decisions and cannot properly be applied to the Probate Court context.